

**EXECUTIVE SUMMARY - ENFORCEMENT MATTER**  
**DOCKET NO.: 2007-1615-MWD-E TCEQ ID: RN101918365 CASE NO.: 34723**  
**RESPONDENT NAME: City of Moran**

Page 1 of 3

<b>ORDER TYPE:</b>		
<input checked="" type="checkbox"/> <b>1660 AGREED ORDER</b>	<input type="checkbox"/> <b>FINDINGS AGREED ORDER</b>	<input type="checkbox"/> <b>FINDINGS ORDER FOLLOWING SOAH HEARING</b>
<input type="checkbox"/> <b>FINDINGS DEFAULT ORDER</b>	<input type="checkbox"/> <b>SHUTDOWN ORDER</b>	<input type="checkbox"/> <b>IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER</b>
<input type="checkbox"/> <b>AMENDED ORDER</b>	<input type="checkbox"/> <b>EMERGENCY ORDER</b>	
<b>CASE TYPE:</b>		
<input type="checkbox"/> <b>AIR</b>	<input type="checkbox"/> <b>MULTI-MEDIA (check all that apply)</b>	<input type="checkbox"/> <b>INDUSTRIAL AND HAZARDOUS WASTE</b>
<input type="checkbox"/> <b>PUBLIC WATER SUPPLY</b>	<input type="checkbox"/> <b>PETROLEUM STORAGE TANKS</b>	<input type="checkbox"/> <b>OCCUPATIONAL CERTIFICATION</b>
<input checked="" type="checkbox"/> <b>WATER QUALITY</b>	<input type="checkbox"/> <b>SEWAGE SLUDGE</b>	<input type="checkbox"/> <b>UNDERGROUND INJECTION CONTROL</b>
<input type="checkbox"/> <b>MUNICIPAL SOLID WASTE</b>	<input type="checkbox"/> <b>RADIOACTIVE WASTE</b>	<input type="checkbox"/> <b>DRY CLEANER REGISTRATION</b>
<p><b>SITE WHERE VIOLATION(S) OCCURRED:</b> City of Moran, located approximately 1,500 feet east of the intersection of State Highway 6 and Farm-to-Market Road 576, on the east bank of Post Oak Creek in Moran, Shackelford County</p> <p><b>TYPE OF OPERATION:</b> Wastewater treatment plant</p> <p><b>SMALL BUSINESS:</b>    <input type="checkbox"/> Yes    <input checked="" type="checkbox"/> No</p> <p><b>OTHER SIGNIFICANT MATTERS:</b> One complaint was received on July 14, 2007, alleging that the sewer collection lines were backing up during rain events. There is no record of additional pending enforcement actions regarding this facility location.</p> <p><b>INTERESTED PARTIES:</b> A complaint was received but the complainant has not expressed the desire to protest this action or speak at Agenda.</p> <p><b>COMMENTS RECEIVED:</b> The <i>Texas Register</i> comment period expired on April 7, 2008. No comments were received.</p> <p><b>CONTACTS AND MAILING LIST:</b>     <b>TCEQ Attorney/SEP Coordinator:</b> None     <b>TCEQ Enforcement Coordinator:</b> Mr. J. Craig Fleming, Enforcement Division, Enforcement Team 3, MC 149, (512) 239-5806; Mr. Bryan Sinclair, Enforcement Division, MC 219, (512) 239-2171     <b>Respondent:</b> The Honorable Lisa Clopton Taggart, Mayor, City of Moran, P. O. Box 97, Moran, Texas 76464-0097     <b>Respondent's Attorney:</b> Not represented by counsel on this enforcement matter</p>		

**VIOLATION SUMMARY CHART:**

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p><b>Type of Investigation:</b>  <input checked="" type="checkbox"/> Complaint  <input type="checkbox"/> Routine  <input type="checkbox"/> Enforcement Follow-up  <input type="checkbox"/> Records Review</p> <p><b>Date of Complaint Relating to this Case:</b>  July 14, 2007</p> <p><b>Date of Investigation Relating to this Case:</b> July 31, 2007</p> <p><b>Date of NOE Relating to this Case:</b>  September 27, 2007 (NOE)</p> <p><b>Background Facts:</b> This was a complaint investigation.</p> <p><b>WATER</b></p> <p>1) Failure to properly prohibit the growth of vegetation on the banks of the stabilization pond, and maintain the structural condition of the drying bed. Specifically, weeds and vegetation were not properly prohibited at the stabilization pond or at the plant, and a tree had broken through the concrete liner of the drying bed [30 TEX. ADMIN. CODE §§ 305.125(5), 317.4(i) and 317.5(e)(1), and TCEQ Wastewater Permit No. 11420001, Special Provision 3].</p> <p>2) Failure to prevent unauthorized discharges from the Facility. Specifically, the permit does not authorize discharges to the receiving stream. Effluent was observed discharging into Post Oak Creek from stabilization pond no. 2 through a pipe, and the Imhoff tank was observed to have overflowed during recent rain events allowing raw sewage to flow into Post Oak Creek [TEX. WATER CODE § 26.121(a)(1), and TCEQ Wastewater Permit No. 11420001, Standard Provision 2b].</p> <p>3) Failure to meet the biochemical oxygen demand ("BOD") effluent limitation of 30 milligrams per liter ("mg/L") for a single grab. Specifically, BOD value exceedances occurred in October 2006 (34 mg/L), December 2006 (59 mg/L), and February 2007 (50 mg/L) [30 TEX. ADMIN. CODE § 305.125(1), TEX. WATER CODE §</p>	<p><b>Total Assessed:</b> \$6,300</p> <p><b>Total Deferred:</b> \$1,260  <input checked="" type="checkbox"/> Expedited Settlement  <input type="checkbox"/> Financial Inability to Pay</p> <p><b>SEP Conditional Offset:</b> \$0</p> <p><b>Total Paid (Due) to General Revenue:</b> \$210 (remaining \$4,830 due in 23 monthly payments of \$210 each)</p> <p><b>Site Compliance History Classification</b>  <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p><b>Person Compliance History Classification</b>  <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p><b>Major Source:</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p><b>Applicable Penalty Policy:</b> September 2002</p>	<p><b>Corrective Actions Taken:</b></p> <p>1) The Executive Director recognizes that the City has ceased the unauthorized discharge from stabilization pond no. 2 by capping the discharge line on July 31, 2007.</p> <p><b>Ordering Provisions:</b></p> <p>2) The Order will require the Respondent to:</p> <p>a) Immediately upon the effective date of this Agreed Order, implement measures designed to prevent the recurrence of effluent discharges into the Post Oak Creek receiving stream from the Imhoff tank;</p> <p>b) Within 30 days after the effective date of this Agreed Order:</p> <p>i. Implement measures to prohibit the growth of vegetation on the banks of the stabilization pond, and maintain the structural condition of the drying bed;</p> <p>ii. Implement procedures to analyze the pH samples within the required fifteen minute holding time; and</p> <p>iii. Implement measures designed to ensure the proper reporting of unauthorized discharges within 24 hours to the TCEQ Regional Office.</p> <p>c) Within 60 days after the effective date of this Agreed Order, submit written certification of compliance with the effluent limits of TCEQ Wastewater Permit No. 11420001 and Ordering Provision 2.a. and 2.b. The certification shall include detailed supporting documentation including receipts, and/or other records to demonstrate compliance.</p>

<p>26.121(a), and TCEQ Wastewater Permit No. 11420001, Effluent Limitations and Monitoring Requirements IV.A].</p> <p>4) Failure to properly analyze the pH within the required fifteen minute hold time. Specifically, the Respondent transported the samples to the City of Abilene laboratory to conduct the pH analysis rather than having the plant operator conduct the analysis [30 TEX. ADMIN. CODE § 319.11(b)]</p> <p>5) Failure to notify the TCEQ Regional Office of the unauthorized discharges within 24 hours. Specifically, the Respondent failed to submit a noncompliance notification to the TCEQ for the discharges that occurred from stabilization pond no. 2 and from the Imhoff tank [30 TEX. ADMIN. CODE § 305.125(1), and TCEQ Wastewater Permit No. 11420001, Standard Provision 2a].</p>		
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Additional ID No(s): Wastewater Permit No. 11420-001

1.  $\frac{1}{2} \frac{d}{dt} \int_{\mathbb{R}^n} |u|^2 dx = \int_{\mathbb{R}^n} u \Delta u dx = - \int_{\mathbb{R}^n} |\nabla u|^2 dx \leq 0$   
 2.  $\frac{1}{2} \frac{d}{dt} \int_{\mathbb{R}^n} |u|^2 dx = \int_{\mathbb{R}^n} u \Delta u dx = - \int_{\mathbb{R}^n} |\nabla u|^2 dx \leq 0$   
 3.  $\frac{1}{2} \frac{d}{dt} \int_{\mathbb{R}^n} |u|^2 dx = \int_{\mathbb{R}^n} u \Delta u dx = - \int_{\mathbb{R}^n} |\nabla u|^2 dx \leq 0$

On the basis of the above, the following is suggested as a possible explanation for the observed differences in the results of the two studies. In the first study, the subjects were not aware of the presence of the experimenter, and therefore they were not aware of the presence of the experimenter. In the second study, the subjects were aware of the presence of the experimenter, and therefore they were aware of the presence of the experimenter.



# Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision September 19, 2007

<b>DATES</b>	Assigned	1-Oct-2007	<b>Screening</b>	3-Oct-2007	<b>EPA Due</b>	
	PCW	9-Oct-2007				

<b>RESPONDENT/FACILITY INFORMATION</b>	
<b>Respondent</b>	City of Moran
<b>Reg. Ent. Ref. No.</b>	RN101918365
<b>Facility/Site Region</b>	3-Abilene
<b>Major/Minor Source</b>	Minor

<b>CASE INFORMATION</b>			
<b>Enf./Case ID No.</b>	34723	<b>No. of Violations</b>	5
<b>Docket No.</b>	2007-1615-MWD-E	<b>Order Type</b>	1660
<b>Media Program(s)</b>	Water Quality	<b>Enf. Coordinator</b>	J. Craig Fleming
<b>Multi-Media</b>		<b>EC's Team</b>	EnforcementTeam 3
<b>Admin. Penalty \$ Limit Minimum</b>	\$0	<b>Maximum</b>	\$10,000

## Penalty Calculation Section

<b>TOTAL BASE PENALTY (Sum of violation base penalties)</b>	<b>Subtotal 1</b>	\$6,000
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### ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

<b>Compliance History</b>	5% Enhancement	<b>Subtotals 2, 3, &amp; 7</b>	\$300
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**Notes** A 5% enhancement is recommended for having one NOV for same or similar violations in the past five years.

<b>Culpability</b>	No	0% Enhancement	<b>Subtotal 4</b>	\$0
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**Notes** The Respondent does not meet the culpability criteria.

<b>Good Faith Effort to Comply</b>	0% Reduction	<b>Subtotal 5</b>	\$0
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	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	X	(mark with x)

**Notes** The Respondent does not meet the good faith criteria.

<b>0% Enhancement*</b>	<b>Subtotal 6</b>	\$0
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Total EB Amounts \$291  
Approx. Cost of Compliance \$5,375  
\*Capped at the Total EB \$ Amount

<b>SUM OF SUBTOTALS 1-7</b>	<b>Final Subtotal</b>	\$6,300
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<b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b>	0%	<b>Adjustment</b>	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

**Notes**

**Final Penalty Amount** \$6,300

<b>STATUTORY LIMIT ADJUSTMENT</b>	<b>Final Assessed Penalty</b>	\$6,300
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<b>DEFERRAL</b>	20% Reduction	<b>Adjustment</b>	-\$1,260
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Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

**Notes**

Deferral offered for expedited settlement.

<b>PAYABLE PENALTY</b>	\$5,040
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Screening Date 3-Oct-2007

Docket No. 2007-1615-MWD-E

PCW

Respondent City of Moran

Policy Revision 2 (September 2002)

Case ID No. 34723

PCW Revision September 19, 2007

Reg. Ent. Reference No. RN101918365

Media [Statute] Water Quality

Enf. Coordinator J. Craig Fleming

## Compliance History Worksheet

## &gt;&gt; Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action <i>(number of NOVs meeting criteria)</i>	1	5%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability <i>(number of orders meeting criteria)</i>	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government <i>(number of judgements or consent decrees meeting criteria)</i>	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government <i>(number of counts)</i>	0	0%
Emissions	Chronic excessive emissions events <i>(number of events)</i>	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 <i>(number of audits for which notices were submitted)</i>	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 <i>(number of audits for which violations were disclosed)</i>	0	0%
Please Enter Yes or No			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 5%

## &gt;&gt; Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

## &gt;&gt; Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7) 0%

## &gt;&gt; Compliance History Summary

Compliance  
History  
Notes

A 5% enhancement is recommended for having one NOV for same or similar violations in the past five years.

Total Adjustment Percentage (Subtotals 2, 3, &amp; 7) 5%

<b>Screening Date</b> 3-Oct-2007 <b>Respondent</b> City of Moran <b>Case ID No.</b> 34723 <b>Reg. Ent. Reference No.</b> RN101918365 <b>Media [Statute]</b> Water Quality <b>Enf. Coordinator</b> J. Craig Fleming <b>Violation Number</b> 1	<b>Docket No.</b> 2007-1615-MWD-E	<b>PCW</b> <i>Policy Revision 2 (September 2002)</i> <i>PCW Revision September 19, 2007</i>																				
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<b>Base Penalty</b>		\$10,000																				
<b>&gt;&gt; Environmental, Property and Human Health Matrix</b>																						
OR	<table border="1" style="margin: auto;"> <tr> <td></td> <th colspan="3">Harm</th> </tr> <tr> <td></td> <th>Major</th> <th>Moderate</th> <th>Minor</th> </tr> <tr> <td><b>Release</b></td> <td></td> <td></td> <td></td> </tr> <tr> <td>Actual</td> <td></td> <td></td> <td></td> </tr> <tr> <td>Potential</td> <td></td> <td style="text-align: center;">x</td> <td></td> </tr> </table>		Harm				Major	Moderate	Minor	<b>Release</b>				Actual				Potential		x		<b>Percent</b> 10%
		Harm																				
		Major	Moderate	Minor																		
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Actual																						
Potential		x																				
<b>&gt;&gt; Programmatic Matrix</b>																						
Matrix Notes	<table border="1" style="margin: auto;"> <tr> <td></td> <th>Falsification</th> <th>Major</th> <th>Moderate</th> <th>Minor</th> </tr> <tr> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> </table>		Falsification	Major	Moderate	Minor						<b>Percent</b> 0%										
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Human health or the environment will or could be exposed to significant amounts of pollutants which would not exceed levels that are protective of human health or environmental receptors as a result of the violation.																						
<b>Adjustment</b>		\$9,000																				
		\$1,000																				
<b>Violation Events</b>																						
<table style="width: 100%;"> <tr> <td style="width: 40%;">Number of Violation Events</td> <td style="width: 10%; text-align: center;">1</td> <td style="width: 10%; text-align: center;">1</td> <td style="width: 40%;">Number of violation days</td> </tr> </table> <table style="width: 100%;"> <tr> <td style="width: 20%; vertical-align: top;"> <i>mark only one with an x</i> </td> <td style="width: 20%;"> <table border="1" style="margin: auto;"> <tr><td>daily</td><td></td></tr> <tr><td>monthly</td><td></td></tr> <tr><td>quarterly</td><td style="text-align: center;">x</td></tr> <tr><td>semiannual</td><td></td></tr> <tr><td>annual</td><td></td></tr> <tr><td>single event</td><td></td></tr> </table> </td> <td style="width: 60%; vertical-align: bottom; padding-top: 20px;"> <b>Violation Base Penalty</b> \$1,000         </td> </tr> </table> <div style="border: 1px solid black; padding: 10px; text-align: center; margin-top: 10px;">           One quarterly event is recommended.         </div>			Number of Violation Events	1	1	Number of violation days	<i>mark only one with an x</i>	<table border="1" style="margin: auto;"> <tr><td>daily</td><td></td></tr> <tr><td>monthly</td><td></td></tr> <tr><td>quarterly</td><td style="text-align: center;">x</td></tr> <tr><td>semiannual</td><td></td></tr> <tr><td>annual</td><td></td></tr> <tr><td>single event</td><td></td></tr> </table>	daily		monthly		quarterly	x	semiannual		annual		single event		<b>Violation Base Penalty</b> \$1,000	
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daily																						
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annual																						
single event																						
<b>Economic Benefit (EB) for this violation</b>																						
<b>Estimated EB Amount</b> \$57		<b>Statutory Limit Test</b>																				
<b>Violation Final Penalty Total</b> \$1,050		<b>This violation Final Assessed Penalty (adjusted for limits)</b> \$1,050																				

## Economic Benefit Worksheet

Respondent City of Moran  
 Case ID No. 34723  
 Reg. Ent. Reference No. RN101918365  
 Media Water Quality  
 Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

### Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)	\$1,000	31-Jul-2007	1-May-2008	0.8	\$3	\$50	\$53
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)	\$100	31-Jul-2007	1-May-2008	0.8	\$4	n/a	\$4

Notes for DELAYED costs

Approximate cost to repair the drying bed and mow the vegetated area at the Facility. The Date Required was the date of the investigation. The Final Date is the expected date of compliance.

### Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

NA

Approx. Cost of Compliance

\$1,100

TOTAL

\$57



<b>Screening Date</b> 3-Oct-2007	<b>Docket No.</b> 2007-1615-MWD-E	<b>PCW</b>
<b>Respondent</b> City of Moran	<small>Policy Revision 2 (September 2002)</small>	
<b>Case ID No.</b> 34723	<small>PCW Revision September 19, 2007</small>	
<b>Reg. Ent. Reference No.</b> RN101918365		
<b>Media [Statute]</b> Water Quality		
<b>Enf. Coordinator</b> J. Craig Fleming		
<b>Violation Number</b> 2		
<b>Rule Cite(s)</b>	Tex. Water Code § 26.121(a)(1), and TCEQ Wastewater Permit No. 11420001, Standard Provision 2b	
<b>Violation Description</b>	Failed to prevent unauthorized discharges from the Facility. Specifically, the permit does not authorize discharges to the receiving stream. Effluent was observed discharging into Post Oak Creek from stabilization pond no. 2 through a pipe, and the Imhoff tank was observed to have overflowed during recent rain events allowing raw sewage to flow into Post Oak Creek.	
<b>Base Penalty</b>		\$10,000

  

**>> Environmental, Property and Human Health Matrix**

		<b>Harm</b>			
		Major	Moderate	Minor	
<b>OR</b>	<b>Release</b>				
	<b>Actual</b>			x	
	<b>Potential</b>				
				<b>Percent</b>	10%

  

**>> Programmatic Matrix**

		<b>Falsification</b>			
		Major	Moderate	Minor	
				<b>Percent</b>	0%

**Matrix Notes**  
 Human health or the environment has been exposed to insignificant amounts of pollutants which did not exceed levels that are protective of human health or environmental receptors as a result of the violation.

**Adjustment** \$9,000

  

**Violation Events**

Number of Violation Events	1		1	Number of violation days
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<small>mark only one with an x</small>	daily		monthly		quarterly	x		semiannual		annual		single event	
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One quarterly event is recommended.

**Violation Base Penalty** \$1,000

  

<b>Economic Benefit (EB) for this violation</b>	<b>Statutory Limit Test</b>
Estimated EB Amount	Violation Final Penalty Total
\$75	\$1,050
This violation Final Assessed Penalty (adjusted for limits)	
\$1,050	

## Economic Benefit Worksheet

**Respondent** City of Moran  
**Case ID No.** 34723  
**Reg. Ent. Reference No.** RN101918365  
**Media** Water Quality  
**Violation No.** 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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No commas or \$

### Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)	\$25	31-Jul-2007	31-Jul-2007	0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)	\$2,000	31-Jul-2007	1-May-2008	0.8	\$75	n/a	\$75

Notes for DELAYED costs

The estimated cost for additional oversight, maintenance, and the cost to cap the discharge line which could have reduced or alleviated the discharges. The Date Required was the date of the investigation. The Final Date is the expected date of compliance.

### Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

NA

Approx. Cost of Compliance

\$2,025

TOTAL

\$75

<b>Screening Date</b> 3-Oct-2007 <b>Respondent</b> City of Moran <b>Case ID No.</b> 34723 <b>Reg. Ent. Reference No.</b> RN101918365 <b>Media [Statute]</b> Water Quality <b>Enf. Coordinator</b> J. Craig Fleming <b>Violation Number</b> 3 <b>Rule Cite(s)</b> 30 Tex. Admin. Code § 305.125(1), Tex. Water Code § 26.121(a), and TCEQ Wastewater Permit No. 11420001, Effluent Limitations and Monitoring Requirements <b>Violation Description</b> Failed to meet the Biochemical Oxygen Demand (5-day) ("BOD") effluent limitation of 30 mg/L. Specifically, BOD exceedances occurred in October 2006 (34 mg/L), December 2006 (59 mg/L), and February 2007 (50 mg/L).	<b>Docket No.</b> 2007-1615-MWD-E	<b>PCW</b> <small>Policy Revision 2 (September 2002)</small> <small>PCW Revision September 19, 2007</small>				
<b>Base Penalty</b>		\$10,000				
<b>&gt;&gt; Environmental, Property and Human Health Matrix</b>						
OR	<b>Harm</b>			Percent	10%	
	<b>Release</b>	Major	Moderate			Minor
	Actual	<input type="text"/>	<input type="text"/>			<input checked="" type="checkbox"/>
	Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>		
<b>&gt;&gt; Programmatic Matrix</b>						
	Falsification	Major	Moderate	Minor	Percent	0%
	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>		
Matrix Notes	Human health or the environment have been exposed to insignificant amounts of pollutants which did not exceed levels that are protective of human health or environmental receptors as a result of the violation.					
<b>Adjustment</b>					\$9,000	
					\$1,000	
<b>Violation Events</b>						
Number of Violation Events		2	Number of violation days		90	
mark only one with an x	daily	<input type="text"/>	Violation Base Penalty			\$2,000
	monthly	<input type="text"/>				
	quarterly	<input checked="" type="checkbox"/>				
	semiannual	<input type="text"/>				
	annual	<input type="text"/>				
	single event	<input type="text"/>				
Two quarterly events are recommended.						
<b>Economic Benefit (EB) for this violation</b>			<b>Statutory Limit Test</b>			
Estimated EB Amount		\$131	Violation Final Penalty Total		\$2,100	
<b>This violation Final Assessed Penalty (adjusted for limits)</b>					\$2,100	

**Economic Benefit Worksheet**

Respondent City of Moran  
 Case ID No. 34723  
 Reg. Ent. Reference No. RN101918365  
 Media Water Quality  
 Violation No. 3

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

**Delayed Costs**

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)	\$1,500	1-Oct-2006	1-Jul-2008	1.8	\$131	n/a	\$131

**Notes for DELAYED costs**

The estimated cost for additional oversight and sampling which could have reduced or alleviated the exceedances. The Date Required was the date the noncompliances started. The Final Date is the expected date of compliance.

**Avoided Costs**

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

**Notes for AVOIDED costs**

NA

Approx. Cost of Compliance

\$1,500

TOTAL

\$131

<b>Screening Date</b>	3-Oct-2007	<b>Docket No.</b> 2007-1615-MWD-E	<b>PCW</b>											
<b>Respondent</b>	City of Moran	<small>Policy Revision 2 (September 2002) PCW Revision September 19, 2007</small>												
<b>Case ID No.</b>	34723													
<b>Reg. Ent. Reference No.</b>	RN101918365													
<b>Media [Statute]</b>	Water Quality													
<b>Enf. Coordinator</b>	J. Craig Fleming													
<b>Violation Number</b>	4													
<b>Rule Cite(s)</b>	30 Tex. Admin. Code § 319.11(b)													
<b>Violation Description</b>	Failed to properly analyze the pH within the required fifteen minute hold time. Specifically, the Respondent transported the samples to the City of Abilene laboratory to conduct the pH analysis rather than having the Facility operator conduct the analysis.													
		<b>Base Penalty</b>	\$10,000											
<b>&gt;&gt; Environmental, Property and Human Health Matrix</b>														
OR	<b>Harm</b>													
	Major	Moderate	Minor											
	<table border="1" style="width: 100%; border-collapse: collapse;"><tr><td style="width: 25%;"><b>Release</b></td><td></td><td></td><td></td></tr><tr><td style="text-align: center;">Actual</td><td></td><td></td><td></td></tr><tr><td style="text-align: center;">Potential</td><td></td><td style="text-align: center;">x</td><td></td></tr></table>			<b>Release</b>				Actual				Potential		x
<b>Release</b>														
Actual														
Potential		x												
		<b>Percent</b>	10%											
<b>&gt;&gt; Programmatic Matrix</b>														
<table border="1" style="width: 100%; border-collapse: collapse;"><tr><td style="width: 25%;"><b>Falsification</b></td><td style="width: 25%; text-align: center;">Major</td><td style="width: 25%; text-align: center;">Moderate</td><td style="width: 25%; text-align: center;">Minor</td></tr><tr><td></td><td></td><td></td><td></td></tr></table>				<b>Falsification</b>	Major	Moderate	Minor							
<b>Falsification</b>	Major	Moderate	Minor											
		<b>Percent</b>	0%											
<b>Matrix Notes</b>	Human health or the environment will or could be exposed to significant amounts of pollutants which would not exceed levels that are protective of human health or environmental receptors as a result of the violation.													
		<b>Adjustment</b>	\$9,000											
		\$1,000												
<b>Violation Events</b>														
Number of Violation Events		1	1											
		Number of violation days												
<small>mark only one with an x</small>	daily		<b>Violation Base Penalty</b>											
	monthly													
	quarterly													
	semiannual													
	annual													
	single event	x												
One single event is recommended.														
<b>Economic Benefit (EB) for this violation</b>		<b>Statutory Limit Test</b>												
<b>Estimated EB Amount</b>		\$19	<b>Violation Final Penalty Total</b>											
			\$1,050											
<b>This violation Final Assessed Penalty (adjusted for limits)</b>			\$1,050											

## Economic Benefit Worksheet

Respondent City of Moran  
 Case ID No. 34723  
 Reg. Ent. Reference No. RN101918365  
 Media Water Quality  
 Violation No. 4

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

### Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling	\$500	31-Jul-2007	1-May-2008	0.8	\$19	n/a	\$19
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

The estimated cost for additional oversight and training for analyzing samples. The Date Required was the date of the investigation. The Final Date is the expected date of compliance.

### Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

NA

Approx. Cost of Compliance

\$500

TOTAL

\$19



<b>Screening Date</b> 3-Oct-2007 <b>Respondent</b> City of Moran <b>Case ID No.</b> 34723 <b>Reg. Ent. Reference No.</b> RN101918365 <b>Media [Statute]</b> Water Quality <b>Enf. Coordinator</b> J. Craig Fleming <b>Violation Number</b> 5 <b>Rule Cite(s)</b> 30 Tex. Admin. Code § 305.125(1), and TCEQ Wastewater Permit No. 11420001, Standard Provision 2a	<b>Docket No.</b> 2007-1615-MWD-E	<b>PCW</b> <i>Policy Revision 2 (September 2002)</i> <i>PCW Revision September 19, 2007</i>					
<b>Violation Description</b> Failed to notify the TCEQ Regional Office of the unauthorized discharges within 24 hours. Specifically, the Respondent failed to submit a noncompliance notification to the TCEQ for the discharges that occurred from stabilization pond no. 2 and from the Imhoff tank.							
<b>Base Penalty</b>		\$10,000					
<b>&gt;&gt; Environmental, Property and Human Health Matrix</b>							
OR	<b>Release</b>	<b>Harm</b>					
		Major      Moderate      Minor					
	Actual Potential	<input type="text"/> <input type="text"/>	<input type="text"/> <input type="text"/>	<input type="text"/> <input type="text"/>	<input type="text"/> <input type="text"/>	<input type="text"/> <input type="text"/>	<b>Percent</b> 0%
<b>&gt;&gt; Programmatic Matrix</b>							
	Falsification	Major	Moderate	Minor			
	<input type="text"/>	<input checked="" type="checkbox"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<b>Percent</b> 10%
<b>Matrix Notes</b>	100% of the rule requirement was not met.						
<b>Adjustment</b>						\$9,000	
						\$1,000	
<b>Violation Events</b>							
Number of Violation Events		1	Number of violation days		1		
mark only one with an x	daily	<input type="text"/>					
	monthly	<input type="text"/>					
	quarterly	<input type="text"/>					
	semiannual	<input type="text"/>					
	annual	<input type="text"/>					
	single event	<input checked="" type="checkbox"/>					
<b>Violation Base Penalty</b>						\$1,000	
One single event is recommended.							
<b>Economic Benefit (EB) for this violation</b>				<b>Statutory Limit Test</b>			
Estimated EB Amount				\$9	Violation Final Penalty Total		\$1,050
<b>This violation Final Assessed Penalty (adjusted for limits)</b>						\$1,050	

## Economic Benefit Worksheet

**Respondent** City of Moran  
**Case ID No.** 34723  
**Reg. Ent. Reference No.** RN101918365  
**Media** Water Quality  
**Violation No.** 5

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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No commas or \$

### Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System	\$250	31-Jul-2007	1-May-2008	0.8	\$9	n/a	\$9
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

The estimated cost for implementing a procedure to report unauthorized discharges in a timely manner. The Date Required was the date of the investigation. The Final Date is the expected date of compliance.

### Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

NA

Approx. Cost of Compliance

\$250

TOTAL

\$9



# Compliance History

Customer/Respondent/Owner-Operator: CN600639991 City of Moran Classification: Avg. Rating: 3.33  
 Regulated Entity: RN101918365 CITY OF MORAN Classification: Avg. Site Rating: 3.33  
 ID Number(s): WASTEWATER PERMIT WQ0011420001  
 WASTEWATER LICENSING LICENSE WQ0011420001  
 Location: LOCATED APPROX. 1,500 FT EAST OF Rating Date: September 01 07 Repeat  
 THE INTERSECTION OF SH 6 AND FM 576, Violator: NO  
 ON THE EAST BANK OF POST OAK CREEK  
 IN MORAN, SHACKELFORD COUNTY,  
 TEXAS.  
 TCEQ Region: REGION 03 - ABILENE  
 Date Compliance History Prepared: October 02, 2007  
 Agency Decision Requiring Compliance History: Enforcement  
 Compliance Period: October 02, 2002 to October 02, 2007

TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History

Name: J. Craig Fleming Phone: (512) 239-5806

## Site Compliance History Components

1. Has the site been in existence and/or operation for the full five year compliance period? Yes
2. Has there been a (known) change in ownership of the site during the compliance period? No
3. If Yes, who is the current owner? N/A
4. If Yes, who was/were the prior owner(s)? N/A
5. When did the change(s) in ownership occur? N/A

## Components (Multimedia) for the Site :

A. Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government.  
 N/A

B. Any criminal convictions of the state of Texas and the federal government.  
 N/A

C. Chronic excessive emissions events.  
 N/A

D. The approval dates of investigations. (CCEDS Inv. Track. No.)

- 1 01/07/2004 (259174)
- 2 03/08/2004 (265272)
- 3 09/27/2007 (570510)

E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)

Date: 01/07/2004 (259174)

Self Report? NO

Classif Minor

Citation: 30 TAC Chapter 305, SubChapter F 305.125(5)

Description: Failure to maintain the banks of the stabilization ponds by preventing the growth of weeds and trees.

Self Report? NO

Classif Moderate

Citation: 30 TAC Chapter 319, SubChapter A 319.4

Rqmt Prov: PERMIT WQ0011420-001

Description: Failure to monitor the effluent for pH.

Self Report? NO

Classif Moderate

Citation: 30 TAC Chapter 319, SubChapter A 319.11(b)

Description: Failure to properly preserve effluent samples.

Self Report? NO

Classif Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

Rqmt Prov: PERMIT WQ0011420-001

Description: Failure to prevent unauthorized discharges from the last stabilization

F. Environmental audits.

N/A

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A

# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN  
ENFORCEMENT ACTION  
CONCERNING  
CITY OF MORAN  
RN101918365**

**§ BEFORE THE  
§  
§ TEXAS COMMISSION ON  
§  
§ ENVIRONMENTAL QUALITY**

## **AGREED ORDER DOCKET NO. 2007-1615-MWD-E**

### **I. JURISDICTION AND STIPULATIONS**

At its \_\_\_\_\_ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding City of Moran ("the City") under the authority of TEX. WATER CODE chs. 7 and 26. The Executive Director of the TCEQ, through the Enforcement Division, and the City appear before the Commission and together stipulate that:

1. The City owns and operates a wastewater treatment plant and disposal site located approximately 1,500 feet east of the intersection of State Highway 6 and Farm-to-Market Road 576, on the east bank of Post Oak Creek in Moran, Shackelford County, Texas (the "Facility").
2. The City has discharged municipal waste, recreational waste, agricultural waste, or industrial waste) into or adjacent to any water in the state under TEX. WATER CODE ch. 26.
3. The Commission and the City agree that the Commission has jurisdiction to enter this Agreed Order, and that the City is subject to the Commission's jurisdiction.
4. The City received notice of the violations alleged in Section II ("Allegations") on or about October 2, 2007.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the City of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
6. An administrative penalty in the amount of Six Thousand Three Hundred Dollars (\$6,300) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations").



The City has paid Two Hundred Ten Dollars (\$210) of the administrative penalty and One Thousand Two Hundred Sixty Dollars (\$1,260) is deferred contingent upon the City's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If the City fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the City to pay all or part of the deferred penalty.

The remaining amount of Four Thousand Eight Hundred Thirty Dollars (\$4,830) of the administrative penalty shall be payable in 23 monthly payments of Two Hundred Ten Dollars (\$210) each. The next monthly payment shall be paid within 30 days after the effective date of this Agreed Order. The subsequent payments shall each be paid not later than 30 days following the due date of the previous payment until paid in full. If the City fails to timely and satisfactorily comply with the payment requirements of this Agreed Order, the Executive Director may, at the Executive Director's option, accelerate the maturity of the remaining installments, in which event the unpaid balance shall become immediately due and payable without demand or notice. In addition, the failure of the City to meet the payment schedule of this Agreed Order constitutes the failure by the City to timely and satisfactorily comply with all the terms of this Agreed Order.

7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
8. The Executive Director of the TCEQ and the City have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
9. The Executive Director recognizes that the City has ceased the unauthorized discharge from stabilization pond no. 2 by capping the discharge line on July 31, 2007.
10. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the City has not complied with one or more of the terms or conditions in this Agreed Order.
11. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
12. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

## II. ALLEGATIONS

As owner and operator of the Facility, the City is alleged to have:

1. Failed to properly prohibit the growth of vegetation on the banks of the stabilization pond, and maintain the structural condition of the drying bed, in violation of 30 TEX. ADMIN. CODE §§ 305.125(5), 317.4(i) and 317.5(e)(1), and TCEQ Wastewater Permit No. 11420001, Special Provision 3, as documented during an investigation conducted on July 31, 2007. Specifically,



weeds and vegetation were not properly prohibited at the stabilization pond or at the plant, and a tree had broken through the concrete liner of the drying bed.

2. Failed to prevent unauthorized discharges from the Facility, in violation of TEX. WATER CODE § 26.121(a)(1), and TCEQ Wastewater Permit No. 11420001, Standard Provision 2b, as documented during an investigation conducted on July 31, 2007. Specifically, the permit does not authorize discharges to the receiving stream. Effluent was observed discharging into Post Oak Creek from stabilization pond no. 2 through a pipe, and the Imhoff tank was observed to have overflowed during recent rain events allowing raw sewage to flow into Post Oak Creek.
3. Failed to meet the Biochemical Oxygen Demand (5-day) ("BOD") effluent limitation of 30 mg/L for a single grab, in violation of 30 TEX. ADMIN. CODE § 305.125(1), TEX. WATER CODE § 26.121(a), and TCEQ Wastewater Permit No. 11420001, Effluent Limitation and Monitoring Requirements IV.A, as documented during an investigation conducted on July 31, 2007. Specifically, BOD exceedances occurred in October 2006 (34 mg/L), December 2006 (59 mg/L), and February 2007 (50 mg/L).
4. Failed to properly analyze the pH within the required fifteen minute hold time, in violation of 30 TEX. ADMIN. CODE § 319.11(b), as documented during an investigation conducted on July 31, 2007. Specifically, the City transported the samples to the City of Abilene laboratory to conduct the pH analysis rather than the Facility operator conduct the analysis.
5. Failed to notify the TCEQ Regional Office of the unauthorized discharge within 24 hours, in violation of 30 TEX. ADMIN. CODE § 305.125(1), and TCEQ Wastewater Permit No. 11420001, Standard Provision 2a, as documented during an investigation conducted on July 31, 2007. Specifically, the City failed to submit a noncompliance notification to the TCEQ for the discharges that occurred from stabilization pond no. 2 and from the Imhoff tank.

### III. DENIALS

The City generally denies each allegation in Section II ("Allegations").

### IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the City pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and the City's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations, which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: City of Moran, Docket No. 2007-1615-MWD-E" to:

Financial Administration Division, Revenues Section  
Attention: Cashier's Office, MC 214  
Texas Commission on Environmental Quality  
P.O. Box 13088  
Austin, Texas 78711-3088

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2. It is further ordered that the City shall undertake the following technical requirements:
- a. Immediately upon the effective date of this Agreed Order, implement measures designed to prevent the recurrence of effluent discharges into the Post Oak Creek receiving stream from the Imhoff tank;
  - b. Within 30 days after the effective date of this Agreed Order:
    - i. Implement measures to prohibit the growth of vegetation on the banks of the stabilization pond, and maintain the structural condition of the drying bed;
    - ii. Implement procedures to analyze the pH samples within the required fifteen minute holding time; and
    - iii. Implement measures designed to ensure the proper reporting of unauthorized discharges within 24 hours to the TCEQ Regional office.
  - c. It is further ordered that the City shall, within 60 days after the effective date of this Agreed Order, submit written certification of compliance with the effluent limits of TCEQ Wastewater Permit No. 11420001 and Ordering Provisions 2.a. and 2.b. The certification shall include detailed supporting documentation including receipts, and/or other records to demonstrate compliance, be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

The certification shall be submitted to:

Order Compliance Team  
Enforcement Division, MC 149A  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711-3087

with a copy to:

Water Section, Manager  
Abilene Regional Office  
Texas Commission on Environmental Quality  
1177 Industrial Blvd.  
Abilene, Texas 79602-7833



3. The provisions of this Agreed Order shall apply to and be binding upon the City. The City is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
4. If the City fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the City's failure to comply is not a violation of this Agreed Order. The City shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The City shall notify the Executive Director within seven days after the City becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
5. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the City shall be made in writing to the Executive Director. Extensions are not effective until the City receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
6. This Agreed Order, issued by the Commission, shall not be admissible against the City in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
7. This agreement may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreement may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes.
8. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to the City, or three days after the date on which the Commission mails notice of the Order to the City, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

1. The first part of the document is a letter from the President of the United States to the Congress, dated January 3, 1862. It is a very important document, as it contains the President's views on the state of the Union and the progress of the war.

2. The second part of the document is a report from the Secretary of the War Department, dated January 10, 1862. It contains a detailed account of the military operations of the Army during the year 1861.

3. The third part of the document is a report from the Secretary of the Navy Department, dated January 10, 1862. It contains a detailed account of the naval operations of the Navy during the year 1861.

4. The fourth part of the document is a report from the Secretary of the Department of the Interior, dated January 10, 1862. It contains a detailed account of the operations of the Department during the year 1861.

5. The fifth part of the document is a report from the Secretary of the Department of the Treasury, dated January 10, 1862. It contains a detailed account of the operations of the Department during the year 1861.

6. The sixth part of the document is a report from the Secretary of the Department of the State, dated January 10, 1862. It contains a detailed account of the operations of the Department during the year 1861.

7. The seventh part of the document is a report from the Secretary of the Department of the War, dated January 10, 1862. It contains a detailed account of the operations of the Department during the year 1861.

8. The eighth part of the document is a report from the Secretary of the Department of the Navy, dated January 10, 1862. It contains a detailed account of the operations of the Department during the year 1861.

9. The ninth part of the document is a report from the Secretary of the Department of the Interior, dated January 10, 1862. It contains a detailed account of the operations of the Department during the year 1861.

10. The tenth part of the document is a report from the Secretary of the Department of the Treasury, dated January 10, 1862. It contains a detailed account of the operations of the Department during the year 1861.

11. The eleventh part of the document is a report from the Secretary of the Department of the State, dated January 10, 1862. It contains a detailed account of the operations of the Department during the year 1861.

CRAIG FLEMING - AUSTIN

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

John S. Zeller  
For the Executive Director

3/26/2008  
~~1-18-08~~ 8  
Date

I, the undersigned, have read and understand the attached Agreed Order. I am authorized to agree to the attached Agreed Order on behalf of the entity indicated below my signature, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I also understand that failure to comply with the Ordering Provisions, if any, in this order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.

Lisa Clifton Taggart  
Signature

1-18-08  
Date

LISA CLOPTON TAGGART  
Name (Printed or typed)  
Authorized Representative of  
City of Moran

Mayor  
Title

**Instructions:** Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenues Section at the address in Section IV, Paragraph 1 of this Agreed Order.

